

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV243-MU

CATHERINE BENNETT, individually, and
CATHERINE BENNETT, as Administratrix
of the Estate of Arthinel Bennett,

Plaintiff,

vs.

STONEBRIDGE LIFE INSURANCE
COMPANY,

Defendant.

ORDER

This matter is before the court upon Plaintiff's Motion to Reconsider the Oder entered by the court on May 2, 2006 granting Defendant's Motion to Compel. Counsel for Plaintiff asserts that this discovery dispute was the result of a misunderstanding between counsel and possible misdelivery of Plaintiff's responses to Defendant's discovery requests. The court will not reconsider its Order compelling discovery, but taking the Plaintiff's assertions as true, will not award Defendant its expenses in filing the motion. Pursuant to Rule 37(a)(4)(A), the court finds that an award of expenses would be unjust. However, the court admonishes counsel for the Plaintiff to respond to all motions, lest the court grant such motions as unopposed.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration is hereby DENIED, except to the extent that the court will decline to award Defendant its expenses in filing its motion to compel.

Signed: May 10, 2006



Graham C. Mullen
United States District Judge

